

## **---Minutes: Leesburg Planning Commission February 1, 2001**

The Leesburg Planning Commission met on Thursday, February 1, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, Commissioners: C. Cable, G. Glikas, D. Kennedy, L. Schonberger, L. Werner, W. Zawacki and Councilmember Umstattd. Staff members present for the meeting were Mike Tompkins, Nancy Costa, Randy Hodgson and Jennifer Moore.

Chairman Vaughan recognized the newest member of the Planning Commission Mr. William Zawacki has been appointed to fill the term of Kathryn Kerns who resigned effective January 1, 2001. Chairman Vaughan welcomed him; he stated that he looks forward to working with him.

Mr. Tompkins stated that he would like to welcome the newest Planner II on staff Nancy Costa who will be working in the Comprehensive Planning Division of the Department.

### **MINUTES:**

Commissioner Kennedy made a motion to approve the minutes of December 21, 2001 with minor changes.

Motion: Kennedy  
Second: Cable  
Carried: 6-0 with Mr. Zawacki  
abstaining

Commissioner Kennedy made a motion to approve the minutes of January 4, 2001 with minor changes.

Motion: Kennedy  
Second: Cable  
Carried: 6-0 with Mr. Zawacki  
abstaining

Commissioner Kennedy made a motion to approve the minute of January 11, 2001 with minor changes.

Motion: Kennedy  
Second: Cable  
Carried: 6-0 with Mr. Zawacki  
abstaining

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### **PETITIONERS:**

Heidi Malacarne of 804 Hallyard Court, Leesburg, came forward to speak. Ms. Malacarne stated that she is expecting more people to come forward to speak, however she was notified via e-mail from her Homeowners Association that the meeting did not start until 7:30 p.m.

Ms. Malacarne stated that there was a public hearing last week for Star Concrete and she had been very concerned about that site because Lawson Road is being heavily utilized and there is a lot of cut through traffic.

Ms. Malacarne stated that Cool Springs Elementary School is located at the base of a huge hill that generates high-speed traffic. She stated that Mayor Webb gave her a copy of a Residential Task Force Report and she was appalled that her quadrant of the Town was not represented in the report, especially because of children walking to school in that area.

Ms. Malacarne stated that the proposed Richlynn development would greatly impact the Tavistock neighborhood as well as the upcoming Leesburg Commons application because people would be cutting through Tavistock Farms to reach Route 621 or to reach the high school. Ms. Malacarne stated that she would like the Planning Commission to consider the traffic that would be generated through these to applications.

Chairman Vaughan asked Ms. Malacarne if she could hold her comments until the Richlynn public hearing comes before the Commission later in the evening. Ms. Malacarne agreed.

### **COUNCILMANIC REPORT:**

Councilmember Umstattd stated that the Council voted last week to extend the H-1 Historic Overlay District South on South King Street and East on Edwards Ferry Road. She stated that they also approved the Jafari Auto Service Center. The trails fund grant application for the Ida Lee Park trail failed and the Council voted to request that the Commonwealth Transportation Board establish an enhancement project for the South King Street corridor to put utilities underground.

Councilmember Umstattd stated that the final matter was the appointment of Mr. Zawacki to the Planning Commission and the vote was unanimous.

### **PUBLIC HEARING:**

Richlynn Proffer Amendment: Mr. Hodgson stated that the property is located on Sycolin Road and Miller Drive and is zoned I-1. He stated that when the property was rezoned in 1985 it included 13 proffers and now the proffers are causing a problem for the applicants and for the Zoning Division of the Town. He stated that the applicant is seeking to amend two of the proffers one deals with the fact that the intersections

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along Sycolin Road can only be a minimum of 800 feet and this is causing a problem because it turns out that the area between Miller Drive and Tavistock Drive is 790 feet and in order for the applicants to develop the parcel it would have to have an off-set intersection because of the fact that the 800 feet is pushing them beyond Tavistock Drive. He stated that this is a housekeeping matter to try and bring the intersection into alignment with Tavistock Drive.

Mr. Hodgson stated that the applicants are also requesting to eliminate proffer number nine. He stated that when the development was rezoned in 1985 the proffer said that the total office park had to have certain percentages for different uses. He stated that over time this has caused a problem because the Zoning Division for the Town is trying to check on leases and figure out percentages, it is also causing some of the spaces to go unrented because some of the uses have reached the allowed percentages.

Mr. Hodgson stated that when the application first came forward staff asked the applicant to provide a trip generation comparison to figure out if the amendment would increase the number of trips on the roadway based on the current proffer and then the elimination of the proffer. He stated that the proposed elimination of the proffer would actually decrease the amount of traffic trips through the area.

Mr. Dave Colbert, representative for the applicant came forward to speak. Mr. Colbert stated that he believes that this is a housekeeping matter that is overdue. Mr. Colbert stated that with respect to proffer number seven, it originally set forth a minimum of 800 feet between Miller Drive and the second intersection, as Tavistock Drive had been aligned, if they honor that obligation the intersection would be offset and that is not favorable nor as safe as the current proposal which is to align the intersection.

Mr. Colbert stated that proffer number nine was a crude attempt to have a planned unit or mixed use by imposing an arbitrary percentage and it has been difficult for the staff and the owners to keep track of those percentages and are requesting that proffer number nine be eliminated.

Commissioner Schonberger asked that when amending proffer number seven the wording include "so as to create the proper alignment of Tavistock Drive based on final Engineering approval of the Town". Commissioner Schonberger stated that he would rely on whatever staff recommends for the wording of this proffer.

Councilmember Umstattd stated that given Ms. Malacarne's concerns of traffic flow down Tavistock Drive, it appears that with the amendment there would be fewer vehicle trips per day than without the amendment. Mr. Hodgson stated that if the two office buildings are built they would be generating half as many vehicle trips than if the buildings were leased out at the percentages.

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Councilmember Umstatt asked if the applicants would be limited to two-office building or is there a possibility of more office buildings on the site and if so what would maximum trips generated be if everything that could possibly go office went office. Mr. Hodgson stated that most of the sites are already taken.

Commissioner Cable asked if the other uses from the I-1 district would be eliminated. Mr. Hodgson stated that if the proffer is eliminated any use in the I-1 district could be placed on the site. Mr. Hodgson stated that the traffic study was based on the most intensive use.

Commissioner Kennedy asked if the proffer amendment would include the Cornerstone Chapel Church. Mr. Hodgson stated that it would along with Virginia Power.

Commissioner Kennedy asked if staff was confident with the traffic figures that regardless of the use there would be less traffic trips. Mr. Hodgson stated that that was correct.

Ms. Heidi Malacarne came forward again to speak regarding this application. Ms. Malacarne stated that there needs to be traffic calming measures taken on Tavistock Drive. She stated that it is a heavily traveled road, and there is a lot of vehicular traffic moving at a high rate of speed.

Ms. Malacarne stated that it is impossible to make a left hand turn onto Tavistock Drive at 5:00 p.m. and would encourage staff to check. She stated that the real danger is the people driving at a high rate of speed using old Sycolin Road to get into Ashburn.

Ms. Malacarne would like the Town to look into traffic calming measures prior to the development of Leesburg Commons.

Chairman Vaughan suggested that Ms. Malacarne meet with staff and possibly the applicant to express her concerns and come to a resolution.

Commissioner Cable added that the application before the Commission is for a change in proffers and the ability to consider anything other than what the applicant is requesting is not in the Commission's purview and she would recommend that she speak with staff to try and alleviate some concerns.

Mr. Jim Webster, adjacent property owner, came forward to speak. Mr. Webster asked where he could get information about the uses that are planned for the parcel. Mr. Tompkins stated that if Mr. Webster would leave his name and number, a staff member would be in touch with him to answer any questions that he may have regarding use.

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Commissioner Schonberger asked staff if the applicant is requesting to just remove the percentages from Proffer Nine, but continue to limit the parcel to four uses. Mr. Hodgson stated that he would have to refer to the Zoning Administrator and he would have to report back to the Commission.

Mr. Colbert stated that they had never looked into expanding the uses and it was never the intent of the applicant to expand beyond those four uses.

Chairman Vaughan stated that there seems to be a lot of questions and he would like to postpone this meeting to February 15, 2001, so that the questions can be addressed.

### **SUBDIVISION AND LAND DEVELOPMENT**

None

### **ZONING ITEMS**

None

### **COMPREHENSIVE PLANNING ITEMS**

**SE 2000-13 – The Middleburg Bank** – Mr. Hodgson stated that this application is before the Commission for the third time and that the staff and applicant have attempted to address all of the Commission's concerns. Mr. Hodgson made a presentation of the site including maps and pictures.

Mr. Hodgson stated that the applicant has agreed to all conditions except placing a sidewalk from Potomac Station Drive along the service drive. He stated that another option that was discussed with Mr. Banzhoff, representative for the applicant, was that they could place a sidewalk along the other side of the service drive.

Commissioner Cable asked Mr. Hodgson to go over the placement of the sidewalk again. She stated that when the application first came before the Commission it was staff that was recommending the sidewalk and she would like to know where the sidewalk was originally to be placed. Mr. Hodgson stated that on the original plan it showed a sidewalk coming down the hill, which Chelsea did not build, they ended up building the sidewalk in another area.

Commissioner Cable asked if the substituted sidewalk exists. Mr. Hodgson stated that it does. He stated that the Town agreed to let the developer place the sidewalk in a different location.

Commissioner Cable asked why staff is recommending an additional sidewalk. Mr. Hodgson stated that staff is recommending the additional sidewalk because there is now a bank in that location that was not on the original plan and the bank will generate foot traffic and the sidewalk will be needed to access the bank. He stated that the need

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for the sidewalk is being generated by the bank use and not by the original development.

Commissioner Cable stated that Mr. Hodgson was confusing her again; she stated that she has asked the question three times. The question is was the sidewalk designated somewhere where the pad sites were supposed to be and she keeps getting the answer of no. Mr. Hodgson showed Commissioner Cable the original development plan and the proposed development and tried to explain the answer to her. He explained that the only thing required to move the pad sites was a boundary line adjustment, there was no need to do revision to the development plan.

Mr. Tompkins stated that the way that the proffers are written, the pad sites are not tied down, site specific. Commissioner Cable stated that Mr. Hodgson stated that the pad sites were site specific. Mr. Tompkins stated that it may have been generally shown, but it did not tie it down to that exact location.

Commissioner Glikas asked staff if the bank had been built on the original pad site would staff be requiring the additional sidewalk. Mr. Hodgson stated that it would not.

Commissioner Glikas asked why Chelsea requested that the original sidewalk be placed in a different location. Mr. Hodgson stated that he believes it was because of the steepness of the grade of the hill. Commissioner Glikas asked if the grade is any less steep then it was at the time of the change. Mr. Hodgson stated that it is not less steep.

Chairman Vaughan stated that an alternative that staff has proposed is that the sidewalk be placed on the other side of the street.

Chairman Vaughan asked why staff does not recommend any improvement of pedestrian access from the main entrance of the shopping center over to the bank. He stated that he had specifically asked that if there are not presently pedestrian friendly sidewalks and crosswalks that they be added and he believes that staff's recommendation is that nothing additional be done in that area. Mr. Hodgson stated that there are several crosswalks that are not shown on the plat. He stated that there are also sidewalks along the area.

Chairman Vaughan stated that he is concerned about pedestrian access to the bank because this is the only bank on the property and therefore there would be a lot of pedestrian use of the bank.

Commissioner Glikas asked Mr. Banzhoff if the applicant was agreeable to conditions two through five. Mr. Banzhoff stated that the applicant is not willing to construct a sidewalk (condition one), however the rest of the conditions are fine.

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Commissioner Cable made a motion to approve the application with the recommended conditions as set forth by staff with the elimination of the first condition, which was to provide the proposed sidewalk from Potomac Station Drive.

Motion: Cable  
Second: Kennedy  
Carried: 5-2, with Commissioners  
Werner and Schonberger voting Nay

Commissioner Glikas thanked the Commission for taking a closer look at the application as it stands.

Commissioner Cable stated that she believes that Middleburg Bank will be a wonderful addition to the shopping center and it is known that the Planning Commission's job is to evaluate all of the applications and consider all of the issues and she believes that the Commission has very thoroughly done that. She believes that the Commission should be commended for looking at all of the issues.

Commissioner Kennedy stated that he would like to thank staff for the presentation.

Commissioner Cable asked who the staff believed would be using the proposed sidewalk, because it would not accommodate foot traffic from the shopping center. Mr. Hodgson stated that it would be primarily for people coming from the residential area.

Commissioner Schonberger asked if there is a crosswalk for pedestrian coming from the residential area. Mr. Hodgson stated that there is a crosswalk and a traffic light.

Commissioner Schonberger stated that a couple of things trouble him, one is the idea that the owner of the property is currently Chelsea because the lot does not exist at this time, it has not been subdivided, and the fact that this issue seems to be born from safety and seems to be a hardship for the bank and Chelsea to resolve.

Commissioner Schonberger stated that looking at it from a safety perspective he is concerned about pedestrians coming to use the bank from the residential neighborhood. He asked how they would get to the bank and he believes that there is a reasonable relationship for this application between the bank and the placement of the sidewalk because the applicant at this point is not just the Middleburg Bank but the owner is involved and does not believe that the recommendation for the sidewalk to be added is out of line. Commissioner Schonberger stated that because of this he would be voting against the motion as it stands.

**OLD AND NEW BUSINESS**

Commissioner Werner asked how the staff was coming along with the report that herself and Commissioner Cable had asked for regarding the amount of remaining infill property in Town both commercial and residential.

Commissioner Werner also asked about a certificate of appreciation from the Planning Commission to Kathryn Kearns. Mr. Tompkins suggested that this might be a good subject to discuss at the retreat.

Mr. Tompkins also stated that staff has not begun to work on the infill information that the Commission requested. He stated that staff at this time has too heavy a workload to start on that at this time, however it is a priority for staff and they will begin as soon as possible. Mr. Tompkins stated that he would like to make the Commission more aware of the workload facing the Department at the retreat, because he believes that the Commission gets frustrated when projects do not move as quickly at the Commission would like and he would like the Commission to know the reason behind that.

**COMMITTEE REPORTS**

None

There being no further business the meeting adjourned at 8:25 p.m.